

*Guest Editorial*

*Bioethics and the Conditions for Human Agency*

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In recent years, the development in bioethics has increasingly been toward empirical research. Much less attention has been paid to the question about the theoretical frameworks on which bioethics should be based. Surely, the European traditions of ethics have affected the mainstream approaches in the field, but their significance for bioethics remains largely unexplored. The nature and role of bioethical concepts, principles, and norms need to be critically analyzed in fundamental research and not merely in relation to their application in particular contexts. Moreover, the implications of bioethical practices and policies for our moral self-understanding and human agency also need to be examined. In this reflective endeavor it is essential to draw on the rich heritage of ethical theory.

In this special section, a small step is taken in this direction. The decision was made to focus on issues in bioethics in light of the moral theories of Immanuel Kant and Jürgen Habermas. The occasion for discussing Habermas is more immediate, because in 2001 he published an essay on pressing issues in bioethics, *Die Zukunft der menschlichen Natur: Auf dem Weg zu einer liberalen Eugenik*, or *The Future of Human Nature*, as the English title is worded. As the German title indicates, Habermas is concerned with fundamental questions regarding the effects of liberal genetic policies for human self-understanding and moral agency. As such, his essay provides an occasion to discuss basic theoretical questions of the kind needed to complement the “empirical turn in bioethics.” In particular, it challenges the all-too-predominant approach in bioethics that focuses narrowly on applications of new technologies in light of a given set of ethical concerns at the neglect of the larger implications for humanity and society.

Habermas’s moral theory is deeply influenced by Kant’s ethics, which provides the inspiration for the first three articles in this collection. These articles focus on three basic moral concepts: moral responsibility, autonomy, and truth-telling. Garrath Williams and Ruth Chadwick argue that healthcare professionals are not mere individuals acting on their own ends but bearers of roles that involve a particular degree of commitment and responsibility. They demonstrate the limitations of the prevailing way of reasoning in bioethics that tends to focus on what individuals ought to do, or abstain from doing, without placing those questions into the institutional context that enables or disables individuals to fulfill specific healthcare responsibilities. Drawing on Kantian moral theory, Williams and Chadwick show the need for strengthening the institutional structures of healthcare that provide the soil and motivation for individual responsibility, shared ethical reflection, and professional commitment.

The notion of responsibility has not been much discussed in bioethics, but the notion of autonomy has undeniably been a key concept in the prevailing bioethical discourse. Autonomy, however, is a complex moral notion that has to be used with philosophical care and precision. Iain Brassington critically considers the concept of autonomy and its role in Kantian ethics. He argues that for the most part the use of autonomy, even Kantian autonomy, in bioethics has little to do with Kant's use of the term. On Brassington's account, respecting autonomy in Kant's sense, that is, rationally determined actions, could be much more interventionist and justifiably paternalistic than is commonly accepted in liberal bioethical discourse. On this reading, taking Kantian autonomy seriously, therefore, would radically restrict the permissive liberalism largely prevalent in bioethics.

The morality of truthfulness primarily concerns on the one hand justifying exceptions to telling the truth and on the other hand sensitivity to when and the way in which the truth is told. Both these moral tasks are commonly regarded as problematic for Kant, who argued that truth-telling is a perfect or unconditional duty. Theda Rehbock argues that even though lying should never be regarded as a justifiable act, it can be unavoidable and excusable in exceptional situations. This is a matter of judgment in the concrete situation and cannot and should not be theoretically formulated. She argues that any attempt to justify lying as "a therapeutic privilege" implies a danger that lying to patients might become a part of the normal practice of healthcare. Thus the fundamental meaning of truthfulness has to be clarified as a necessary condition for successful communication in medical practice that is characterized by respect for the dignity and autonomy of persons.

By relating her argument about truthfulness in medical practice to the accepted ways of communication, Rehbock refers to the fact that everyday interaction in healthcare is structured by the culture of speech. This can be seen as one of the basic presumptions of discourse ethics as it has been developed by Habermas. Although his theory is primarily concerned with the procedures and presuppositions of communication and not with substantive moral issues, it could be drawn on in an analysis of any moral discourse. Interestingly, when Habermas finally addressed issues in bioethics, he chose not to critically examine bioethical discourse from a procedural perspective but focused on the substantial implications that liberal eugenics could have for the moral self-understanding of the human species. This he does because he finds the very presuppositions of moral communication threatened by eugenic practices that undermine human agency by making genetically engineered individuals largely a product of someone else's choice and preferences. By choosing this route, he entered directly into the contemporary debate about genetic enhancement and other related issues in bioethics.

Most of the authors who reflect on Habermas and bioethics in this special section are trying to make sense of his arguments in *The Future of Human Nature*. In what way and in what sense could liberal eugenics undermine our status as moral agents? Darryl Gunson argues that Habermas's claim about the grave effects of genetic modification on future people is not substantiated. He suggests that the central thesis in the book should be taken to be of a precautionary nature, that we ought to move very carefully in implementing eugenic practices because of the effects that they might have on our self-understanding as beings committed to moral judgment and action. Habermas's concerns thus call for further work in philosophical anthropology in order to examine the connections between the central ideas that shape our identity as human beings and genetic developments.

In a similar vein, Peter Herissone-Kelly concentrates on the question of how genetic enhancement may affect human agency. He finds something of genuine significance in Habermas's claim that we need to regard ourselves as grown rather than as made. However, building on the notion of reflexive agency, which implies awareness of the fact that I am performing an action and that I am responsible for it, he argues that Habermas's position concerning the effects of genetic enhancement on human agency applies more obviously to self-sanctioned enhancements than to enhancements performed by another at the agent's embryonic stage. This is because in the latter case the agent stands against the enhanced trait as a given that he can appropriate and take responsibility for, much like a natural talent. In a case of self-enhancement, however, the agent encounters the enhanced trait more clearly as alien to her given self and not as a developed realization of its potential, for which the agent can assume responsibility. This argument that self-induced enhancement poses a greater threat to moral agency than other genetic enhancement implies that Habermas's emphasis on the insistence on consent to enhancement is of limited value.

In his article, "Protecting Humanity: Habermas and His Critics on the Ethics of Emerging Biotechnologies," Matti Häyry argues that Habermas's position in bioethics represents the mean between conservatives, like Michael Sandel and Leon Kass, who argue that choice is overrated in bioethics, and permissive liberals, like Jonathan Glover and John Harris, who believe that informed individual choice is the best protection against misuse of genetic technologies. As a Kantian liberal, Habermas is ready to protect individuals against irrational choices, but his primary concern is to protect the main conditions for our self-understanding as a moral species. The core of this understanding, which can be traced to antiquity, regards the moral equality of all human beings, which has radical implications for our moral practices and policies. Häyry argues that Habermas's contention that genetically modifying people would pose a serious threat to moral equality does not necessarily stand up to scrutiny but, unlike the permissive liberals who have commented on the Habermasian approach in bioethics, he finds it worthy of taking seriously. Habermas's argument raises important questions, and new and exciting ways of evaluating scientific and technological developments could emerge in the process of pursuing those questions.

Gunson argues that Habermas's position in *The Future of Human Nature* relates to his earlier work on discourse ethics in the sense that what are at stake are the capacities human beings have for communicative rationality, which Habermas sees as the basis for our moral and political culture. Hans-Joerg Ehni and Diana Aurenque focus on this concern and try to make sense of a possible Habermasian position on moral enhancement in light of his understanding of human morality and communicative rationality. In particular, they illustrate this concern by using the concept of the "colonization of the lifeworld" that Habermas developed to analyze ways in which the social communicative world is subjected to technological systems, instrumental rationality, and commercial interests. This process may result in an increase in social and individual pathologies that are already pervasive in Western societies and may hinder moral development in all areas of life. Ehni and Aurenque discuss ideas of moral enhancement that aim at countering these pathologies and morally improving mankind. They argue that such attempts are doomed to failure because they ignore the intersubjective and social aspects of morality. Moreover, there is a considerable risk that they will

create new and even worse pathologies by instrumentalizing morality, which is the very core of the lifeworld.

Similar to the argument of Williams and Chadwick, who emphasize from a Kantian perspective how individual moral actions are dependent on an institutional structure that enables or disables responsibility, Ehni and Aurenque show how evaluation of particular genetic and other technologies for human enhancement must take into account the institutional context that furthers or frustrates communicative rationality. Each in its own way, these arguments show the importance of the web of social relations for individual moral agency. The contributions of Kant and Habermas to moral theory and their implications for bioethics cannot be evaluated without taking this intersubjective dimension into account. This reminds us that questions about moral assessment of genetic technologies must not be narrowly framed such that their social implications in this broad sense are neglected. This is the major challenge with which Habermas presents liberal bioethics in *The Future of Human Nature*. If that is not recognized, then his position is easily swept aside as obscure and irrelevant for philosophical bioethics.

*The Future of Human Nature* has generally been received by bioethicists in a very critical way. The arguments are said to be surprisingly weak, and unfounded empirical claims seem to be made. In his article, "Bioethics as Science Fiction: Making Sense of Habermas's *The Future of Human Nature*," David Gurnham in a sense turns these apparent weaknesses into strengths by suggesting that we read the text more like a work of science fiction than like a serious work of philosophical bioethics. Judged from that perspective, it becomes irrelevant whether the assertions made about the effects on moral agency and self-understanding of genetically modified people are true or false. Instead, the important question concerns the impact they have on public discourse about human genetic enhancement. In the jargon of speech act theory, we should judge the merit of the text by its practical perlocutionary effects, not by its illocutionary force, as is characteristic of non-fictional texts. On the latter criteria, it would fall short, whereas on the former its merits lie in stimulating the readers to think critically about the limitations of narrow bioethical approaches that fail to reflect on the wider implications of genetic technology for our democratic ethos and moral equality.